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BRIEFING PAPER

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HOW TO STEER FY 1981 AND FY 1982 FOREIGN ASSISTANCE LEGISLATION THROUGH CONGRESS

1. THE ISSUE

The issue is how to get the Congress to act favorably and expeditiously on foreign aid legislation. This legislation contains funding for a wide variety of programs (security assistance, US participation in multilateral development banks, EXIM Bank, refugees, overseas anti-narcotics programs, etc.) crucial to successful implementation of the President's foreign policy. Over the years we have had increasing difficulty -- particularly in the House -- in convincing Congress to consider the aid appropriations bill at various stages during the legislative process. When it has been considered, we have managed to find the votes for a majority, but final passage of a conference report did not occur in FY 80 and we have thus far had no floor action on the FY 81 bill. As a result, the Department has been hamstrung in its foreign aid programs, operating under continuing resolutions, with both the FY 80 and 81 programs funded at the lower levels of preceding fiscal years. While there is a good chance that the current Congress will provide FY 81 authorization, there will be no FY 81 appropriations bill enacted and the new Administration will have to work for one early next year. At the same time, we will have to seek passage as early as possible of aid legislation for FY 82.

2. TIME CONSTRAINT

Since we expect the FY 81 authorization bill to pass in the special session, there is no constraint to be overcome. On the FY 82 authorization bill, the incoming Administration should consider a review of the current Administration's legislative proposal to determine what changes in funding levels or substance, if any, might be desirable. The most important thing is to try to get a bill as soon as possible. Considerable thought has already been given to the need to revise and rationalize the increasingly unwieldy

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Foreign Assistance Act of 1981 and the Arms Export Control Act. Time constraints and the need to work closely with Congress once the Executive has developed its proposal dictate that this effort, if it is to be undertaken, begin in the spring with a view to enactment the following year for FY 83.

The legislative proposal and budget request will be submitted to the Congress beginning in January as part of the normal legislative cycle. The bill must be presented to the Congress and explained and defended early in the new session. Four committees (Senate Foreign Relations, House Foreign Affairs, Senate and House Appropriations) will ask the new Secretary of State and the Under Secretary for Security Assistance, Science and Technology to appear before them in February or March to outline the Administration's foreign assistance objectives and justify the foreign assistance programs contained in the bills. The Secretary's testimony will be followed by that of other key Administration officials. These hearings set the tone for the Committees' subsequent markups and are important to the Administration and the Hill.

At this writing, the House Appropriations Committee is preparing an extension of the Continuing Resolution for foreign assistance through March 1981. The present CR expires December 15. The new Administration will have to act early in the new session if a regular foreign assistance appropriation will be enacted for FY 81. As the new session wears on without enactment of the bill, the temptation to rely on the continuing resolution for the remainder of the fiscal year may become irresistible.

3. WHAT WE ARE DOING AND WHY

Our current efforts are focused on assuring final passage of the FY 81 authorization bill and inclusion in the FY 81 CR of adequate funding for our most essential aid programs. The extent to which we succeed in getting this funding -- including additional ESF for Jamaica -- will determine in part the priority the new Administration may wish to attach to the early enactment of an FY 81 appropriations bill. Meanwhile, the Administration is currently considering the FY 82

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budget request levels and the President's mark is expected in December. Action on preparing the legislative proposal has been delayed pending final Congressional disposition of the FY 81 authorization bill. It will not be possible to initiate staff discussions or brief Members until the legislative proposal has been formulated. Once that has been done, staff briefings and discussion with Members will be conducted to explain the proposal and to seek initial support. The budget request is incorporated in the Congressional Presentation Document (CPD) and is submitted to the Congress in early February just prior to the beginning of the hearings. The CPD is a key document which is indispensable to the foreign affairs committees' staffs for their analysis of the budget request. AID submits a comparable CPD on the development assistance programs. Field posts are currently submitting detailed inputs to the Department.

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